

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:10-cr-00081-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
NELSON RANGEL,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court on the Defendant's "Motion and Questionnaire for Reduction of Sentence Pursuant of 18 U.S.C. § 3582(c)" [Doc. 60].

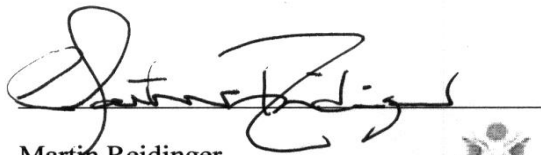
On December 8, 2010, the Defendant pled guilty pursuant to a written plea agreement to possession with the intent to distribute at least 50 grams of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The Defendant was sentenced on January 19, 2012 to a term of 97 months' imprisonment. [Doc. 36]. The Defendant's conviction and sentence were affirmed by the Fourth Circuit Court of Appeals on November 16, 2012. [Doc. 49]. The Defendant now moves the Court for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c). [Doc. 60].

The Defendant's motion must be denied. Pursuant to 18 U.S.C. § 3582(c), the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's motion for a reduction of sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion and Questionnaire for Reduction of Sentence Pursuant of 18 U.S.C. § 3582(c)" [Doc. 60] is **DENIED**.

IT IS SO ORDERED.

Signed: May 15, 2014


Martin Reidinger
United States District Judge



